

## Heitrick Hinted At Judge's Aid, Witnesses Say

Two Contractors Testify  
"Code of Practice" Head  
Referred to Chief Justice  
White to Bolster Scheme

Even Displayed His Photo

Names of Two Other De-  
fendants Are Brought Into  
Case and Threats Alleged

Witnesses at the trial of John T. Heitrick before Justice McAvoy yesterday testified that he had referred to Heitrick that he had referred his "code-of-practice" scheme of alleged collusive bidding to Chief Justice White of the United States Supreme Court at Washington.

According to these witnesses, Heitrick said that "while Chief Justice White declared he couldn't express a formal opinion he did the next best thing in sending him an autographed photograph of himself." This photograph, added the witness, was prominently displayed in the office of Heitrick, who pointed to it with assurance when doubt was expressed as to the legality of his scheme.

Other testimony was introduced by the prosecution tending to prove the state's charges of conspiracy and coercion, upon which Heitrick, with three co-defendants representing union plumbers and plumbing contractors, is being tried.

### Two Contractors Testify

The reference to Chief Justice White followed the identification by John C. Eisenbray, a clerk in Heitrick's office, of several green and pink cards used in the "code of practice" system. James and Charles Armstrong, contractors, told of a meeting in Heitrick's office, at 165 Broadway, in the fall of 1919, in connection with the scheme.

"Heitrick explained to me the purposes of the 'code of practice' system," said Charles Armstrong, "and then went on to say he had talked with Chief Justice White of the United States Supreme Court about it. He said that while Chief Justice White was unwilling to give any formal opinion on the matter because some cases had come before him in the past, in the future, he had done the next best thing in giving him an autographed photo of himself. Heitrick pointed to this picture hanging on the wall in his office."

The visit of the Armstrongs to Heitrick's office preceded a visit to their place of business of two delegates of the Journeymen Plumbers Union, William J. Doran and William Chapman, it was testified. This took place, the Armstrongs said, in April, 1919. Doran and Chapman are co-defendants with Heitrick in the trial. James Armstrong testified that Doran and Chapman insisted he join "165," by which Heitrick's "code of practice" was known.

Heitrick told me that if I did not join I might have trouble and wake up some morning and find I had no men working for me," added James.

Brother Doran then came in, and I repeated the conversation to him. He said to Doran and Chapman, "That sounds like a threat." They replied, "If you feel that way, then take it as a threat." He then suggested that they would go to the District Attorney with the matter and they said they would gladly go, as the matter already had been thrown out by the District Attorney's office. Heitrick then said that if they couldn't be prevented from quitting work if he felt like it.

Decided to Join in Scheme  
Charles testified that he later talked the matter over with his brother, and decided in the circumstances it would be best to join in Heitrick's group. He said here that Heitrick told him that the principal reason for the code was to correct mistakes in estimating on jobs. When he asked Heitrick at that time how they would see that contractors got their allotment of work in proportion to the business done in the last seven years, he declared Heitrick replied, "You lack confidence. We would rather not have men like you in the group."

John McMillen, another contractor, testified that all bids for work, whether public or private, totaling more than \$250 in the radius of twenty-five miles of New York had first to be submitted to Heitrick. McMillen then told how he had put in a bid of \$48,600 to do some work for the Corporation of the City of New York, and that Heitrick ordered him to boost it to \$49,850. He said he protested to Heitrick that he had no right to interfere with his bid, but Heitrick, he added, made him aside by the rules. The trial will be continued this morning.

Twenty-five of the twenty-nine corporations and firms, members of the Association of Dealers in Mason's Building Materials, pleaded not guilty before Justice McAvoy in answer to indictments handed down last week charging violation of the Donnelly anti-trust law. Their bail of \$1,500 was continued until February 25, fixed as a time limit on motions.

**General Spiridovitch in Bellevue; Has Erysipelas**  
Russian Nobleman, Here in Interest of Anti-Bolsheviks, Isolated in Hospital

Major General Count A. Tcheresp-Spiridovitch, a direct descendant from the grand dukes of Lithuania, was taken from his rooms, at the Hotel Polonia, 161 East Twenty-third Street, to the Bellevue Hospital, on Sunday evening, where it was found he was suffering from facial erysipelas, which made it necessary to isolate him immediately.

General Spiridovitch has been in England for the last two years, where he has been working in the interest of an anti-Bolshevik Russia and the forming of an Anglo-Latvian League. He came to this country about two months ago with the same object in view. He at first put up at the Hotel Savoy, but found it unsuitable for the purpose he had in mind and upon his return from Washington, about ten days ago, he transferred his headquarters to the Hotel Polonia, where he was made up of people of the Slav races.

The chief objects of the league he is endeavoring to form is to unite all of the 200,000,000 Slavs, to strengthen the friendship between the United States and Slav races, to oppose Bolshevism and to prevent wars, bloodshed and pogroms.

The General was responsible for bringing about the downfall of Abdul Hamid in 1908. Two of his sons were killed in the war. His two remaining sons were put to death by the Bolsheviks in Moscow in July, 1918, at the instance of Count Mirbach, the German Ambassador, who came to a violent end.

## Defense Alleges Wife Forced Shonts To Do Own Housework

Out-of-Town Witnesses Will Testify, McNicoll Says,  
That She Brought I. R. T. Head to the Verge of  
Ruin and Sought to Turn Daughters Against Him

De Lancy Nicoll, who, with E. J. Berwind, was named as executor in the contested will of Theodore P. Shonts, disclosed in the Surrogate's Court yesterday some important features in the defense that will be made to the contest of the will by Mrs. Milla D. Shonts, widow of the former president of the Interborough Rapid Transit Company.

Mr. Nicoll petitioned the court to appoint commissioners in several cities to take testimony of witnesses who were acquainted with the affairs of Mr. and Mrs. Shonts. Mr. Nicoll said he intended to show by the testimony of these witnesses that Mr. Shonts at times in his married life with the contestant had to do his own housework, because of Mrs. Shonts's refusal to do it, that the extravagance of his wife brought the railroad man to the verge of ruin, that she sought to turn their daughters against him and that Mrs. Shonts thought more of her social advancement than she did about her duty to make a home for him.

### Trial Expected in March

The taking of the testimony required by the executor to prove the will will make it impossible to try the contest in March, as had been intended. The testimony, counsel says, is expected to show that for ten years before Mr. Shonts made his will, in which he left the greater part of his estate to "my friend" Mrs. Amanda C. Thomas, the testator and his wife were estranged, and it is contended that the failure of Mr. Shonts to leave Mrs. Shonts any part of his estate was due to her alleged conduct toward him and not to undue influence, as charged by the widow.

One of the witnesses whose testimony is sought by Mr. Nicoll is Walter L. Ross, for many years a close friend of Mr. Shonts and now receiver of the Toledo, St. Louis & Western Railroad, of which Mr. Shonts formerly was president. To Mr. Ross, it is alleged, Mr. Shonts frequently complained that he did not care enough for him to give him the simple home life that he craved, but had insisted on living in hotels and traveling in foreign countries, most of the time apart from him, that she did not care enough for him to pay attention to his personal needs, but thought only of her social advancement and that of her daughters, the Duchesses de Chaulnes and Mrs. Rutherford Bingham.

Joy Morton, a Chicago business man of prominence, is to be another witness. He will be asked questions about

## Stokes, by Habeas Corpus Suit, Seeks Children's Custody

Writ Served on Wife Orders  
Her to Produce Them in  
Court Here Today, Though  
Both Are Now in Denver

Mrs. Helen Ellwood Stokes was served by a deputy of Sheriff Knott's staff at the Hotel Gotham yesterday with a writ of habeas corpus sworn out by W. E. D. Stokes, hotel and railroad man, who asks the custody of their two children, James Stokes and Helen Marie Stokes.

The Stokes children are now in Denver, where Judge Ben Lindsey gave them into the custody of their mother, so that she will be unable to produce them in court. Mrs. Stokes demanded a writ issued by Justice Ford yesterday. Mr. Stokes said in his petition that his son and daughter are "imprisoned and restrained of their liberty." He said that Mrs. Stokes left Denver in 1919 and took the children to Denver with her. Mr. Stokes alleged that his wife is not entitled to their custody.

Mr. Stokes is suing his wife for a divorce and she has a counter claim for separation.

Judge Lindsey gave the children per-

manently into the custody of their mother last February. Mrs. Stokes in her testimony charged that her husband had become an addict, that he frequently threatened to kill her, and had mistreated her and the two children since 1918.

Last July a reversal of Judge Lindsey's decision, in which custody of the children was given to the mother, was asked of the Colorado Supreme Court by Stokes, the claim being made that Judge Lindsey's action was beyond the jurisdiction of the Juvenile Court, and was an interference with the jurisdiction of the Supreme Court of New York. The case was argued in the trial before Judge Lindsey were assigned in Stokes's petition.

**Garment Workers Return**  
Union Says 5,000 Will Resume Occupation To-day

Five thousand members of the International Ladies' Garment Workers' Union are expected to return to work to-day, after being on strike since last Wednesday, as the result of a union settlement yesterday with 150 small makers of coats, hats and dresses.

The manufacturers who have settled are members of the New York Waist Manufacturers' Association. In addition, about 250 members of the Dress Manufacturers' Association were about to settle, Mr. Hoelmann said, but there were still 500 independent firms which had not signed any agreements.

**Weather Report**  
Sun rises... 6:51 a.m.; moon sets... 5:30 p.m.  
Moon rises... 10:48 a.m.; moon sets... 12:21 a.m.

**Local Forecast.**—Fair and somewhat colder to-day; to-morrow increasing cloudiness, with rising temperature; diminishing northerly winds, shifting to east to-morrow.

**Local Official Record.**—The following official record shows temperature during the last twenty-four hours, in comparison with the corresponding date of last year:

1921. 1920.  
3 a. m. ... 47 3 p. m. ... 47-43  
6 a. m. ... 40 3 p. m. ... 41-39  
9 a. m. ... 35 3 p. m. ... 34-40  
12 noon ... 32 3 p. m. ... 41-45  
Highest, 50 degrees (at 12 m.); lowest, 32 degrees (at 9 p. m.); average, 41 degrees; average same date for last year, 37 degrees; average same date for thirty-three years, 39 degrees.

**Humidity**  
5 a. m. ... 77% 1 p. m. ... 40% 5 p. m. ... 50%

**Barometer Readings**  
5 a. m. ... 29.881 p. m. ... 29.838 p. m. ... 30.10

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